

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LAWRENCE MORGAN,

Defendant-Appellant.

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UNPUBLISHED

August 17, 2004

No. 246924

Wayne Circuit Court

LC No. 00-006573-01

Before: Hoekstra, P.J., and Cooper and Kelly, JJ.

PER CURIAM.

Defendant appeals as of right his convictions of carrying a concealed weapon in a vehicle, MCL 750.227(2), and felon in possession of a firearm, MCL 750.224f, entered after a jury trial. We affirm.

Complainant testified that defendant came to her home and demanded that she refund money he paid to her to purchase a vehicle. She acknowledged that she told the police that defendant carried a weapon during the incident. Complainant's friend testified that defendant pointed a gun at complainant and demanded that complainant refund his money. Complainant's friend followed the vehicle in which defendant was riding and eventually saw that it had been stopped by the police. Defendant fled on foot. The police apprehended him, but did not find a weapon on his person. A search of the vehicle revealed a handgun in a camera-style case in the trunk. Defendant's nephew testified that he owned the vehicle and the gun, and that defendant was unaware that the gun was stored in the trunk. He denied that defendant displayed a gun during the incident. The jury acquitted defendant of armed robbery, MCL 750.529, felonious assault, MCL 750.82, and possession of a firearm during the commission of a felony, MCL 750.227b, but convicted him of carrying a concealed weapon in a vehicle and felon in possession of a firearm.

In reviewing a sufficiency of the evidence question, we view the evidence in a light most favorable to the prosecution to determine whether a rational trier of fact could conclude that the elements of the offense were proven beyond a reasonable doubt. We do not interfere with the jury's role of determining the weight of the evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748, amended 441 Mich 1201 (1992); *People v Milstead*, 250 Mich App 391, 404; 648 NW2d 648 (2002). A trier of fact may make reasonable inferences from direct or circumstantial evidence in the record. *People v Vaughn*, 186 Mich App 376, 379-380; 465 NW2d 365 (1990).

The elements of carrying a concealed weapon in a vehicle are: (1) the pistol was in a vehicle operated or occupied by the defendant; (2) the defendant knew that the pistol was in the vehicle; and (3) the defendant took part in carrying or keeping the pistol in the vehicle. CJI2d 11.1. Carrying a concealed weapon is a general intent crime. The only intent needed is that necessary to do the prohibited act; i.e., to knowingly carry a weapon in a vehicle. *People v Combs*, 160 Mich App 666, 673; 408 NW2d 420 (1987). The element of “carrying” is distinct from knowledge of the weapon’s presence in the vehicle and does not automatically follow from proof of knowledge. *People v Courier*, 122 Mich App 88, 90; 332 NW2d 421 (1982).

Defendant argues that the evidence was insufficient to support his conviction of carrying a concealed weapon in a vehicle.<sup>1</sup> We disagree and affirm. Complainant, who was a reluctant witness, acknowledged that she told the police that defendant held a gun when he demanded that she return his money. Complainant’s friend testified that he saw defendant point a gun at complainant and demand money. By acquitting defendant of armed robbery and felony-firearm, but convicting him of carrying a concealed weapon in a vehicle and felon in possession of a firearm, the jury apparently concluded that defendant knew of the presence of the weapon in the vehicle and possessed it at some point but decided, for whatever reason, to acquit him of armed robbery and felony-firearm. A jury is not held to any rules of logic and may render inconsistent verdicts. *People v Goss (After Remand)*, 446 Mich 587, 597; 521 NW2d 312 (1994). The jury was entitled to reject the testimony that defendant did not know the gun was in the vehicle. *Milstead, supra*. No weapon was found in the immediate vicinity in which defendant was apprehended; however, complainant’s friend drove through the area for some period of time before he saw defendant’s nephew’s vehicle. This evidence supported an inference that defendant could have placed the gun in the trunk before the vehicle was stopped by the police. *Vaughn, supra*. The evidence, viewed in a light most favorable to the prosecution, supported defendant’s convictions. *Combs, supra; Courier, supra*.

Affirmed.

/s/ Joel P. Hoekstra  
/s/ Jessica R. Cooper  
/s/ Kirsten Frank Kelly

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<sup>1</sup> By extension, defendant also maintains that his conviction of felon in possession of a firearm must be reversed.